

IN THE MATTER OF
OSCAR BRACKS, D.P.M.

LICENSE NO. 1165

§ BEFORE THE TEXAS STATE
§ BOARD OF PODIATRIC
§ MEDICAL EXAMINERS
§
§ SITTING IN AUSTIN
§
§ TRAVIS COUNTY, TEXAS

AGREED ORDER

BE IT REMEMBERED that on October 20, 1995, came on to be considered the allegations against Oscar Bracks, D.P.M. By letter dated October 4, 1995, the Texas State Board of Podiatric Medical Examiners gave preliminary notice to Dr. Bracks of its intent to investigate complaints and reports filed against him. Dr. Bracks was duly notified of the allegations against him. Dr. Bracks has cooperated with the Board and presented information in rebuttal.

An informal conference was held between the parties on October 20, 1995, and with Dr. Bracks and Hamilton Barksdale, attorney for Dr. Bracks, and the following representatives of the Texas State Board of Podiatry Examiners in attendance: Mr. Allen Hymans, Executive Director; Peter Williams, D.P.M., Board Member; Thomas Garrison, D.P.M., Board Member; Janie Alonzo, Administrative Assistant, and Janet Monteros and Melissa Juarez, Assistant Attorneys General.

By his appearance at the informal conference and by his signature on this Order, and upon acceptance and entry of this Order by the Board, Dr. Bracks does hereby waive his right to a formal hearing before the State Office of Administrative Hearings, and judicial review of this Order.

After discussion of the matters outlined in this Order, and subsequent communications, the Board and Dr. Bracks, in order to avoid the expense, delay and uncertainty of hearing, have agreed to the entry of an order dispensing with the need for further action in this matter.

Dr. Bracks agrees to the following order for the purpose of this proceeding only, and agrees to the findings of fact, conclusions of law, and the order set out herein:

FINDINGS OF FACT

1. Dr. Bracks is licensed as a podiatrist in the State of Texas with License Number 1165.
2. Dr. Bracks, as a podiatrist licensed in the State of Texas, is required to comply with the provisions of the Podiatry Practice Act and the applicable rules.
4. Dr. Bracks has prescribed and distributed Diethylpropion Hcl and ^(u) Phendimetrazine for use as a treatment for weight loss, although Dr. Bracks is not licensed to prescribe weight loss medication or treatment.
5. Dr. Bracks ordered the following medications in the following amounts:

- Diethylpropion Hcl	--	100	
- testosterone	--	300 oral	and 40cc injectable
- Phendimetrazine	--	1000	
- Guaiatussin with Codeine	--	one gallon	
- Diazepam CIV	--	500	

I HAVE NEVER ORDERED
NOR USED FOR TREATMENT
RECEIVED THIS MEDICATION ORALLY.
6. The amount of medication Dr. Bracks ordered is uncharacteristic of the general standard of care in the practice of podiatric medicine.
7. Dr. Bracks has used testosterone for treatment of foot pain.
8. Dr. Bracks has used Desoxyn for the treatment of obesity, and used as part of Dr. Bracks' "walking therapy" ONE PRESCRIPTION WRITTEN BUT NOT FILLED.
9. Dr. Bracks has used Ambien for treatment of post operative pain.
10. The use of the medications for treatments as mentioned in Findings of Fact Nos. 4, 7, 8, and 9 are not in compliance with the standard of care in the practice of podiatric medicine.
11. Dr. Bracks failed to maintain adequate records of the Schedule II controlled substances he ordered, received, prescribed, distributed, and maintained.

(CIV) (CIV)
SCHEDULE II, III AND IV
12. Dr. Bracks has treated family members and himself for medical non-podiatric conditions, including prescribing and distributing to them and himself medications he ordered.

CONCLUSIONS OF LAW

1. Dr. Bracks' acts of treating family members and himself for conditions that are non-podiatric is in violation of the Podiatric Practice Act, Tex. Civ. Stat. Ann., Art. 4570(16) (Vernon 1995) and section 375.2 of Title 22 of the Texas Administrative Code.
2. Dr. Bracks' acts of ordering and maintaining the Schedule II controlled substances listed in Findings of Fact Nos. 4, 5, 7, 8, and 9, is in violation of the Podiatry Practice Act, Tex. Civ. Stat. Ann., Art. 4570(16) (Vernon 1995) and section 375.2 of Title 22 of the Texas Administrative Code.
4. Dr. Bracks' failure to adequately maintain records concerning the Schedule II controlled substances listed in Findings of Fact Nos. 4, 5, 7, 8, and 9 is in violation of section 375.11 of Title 22 of the Texas Administrative Code.
5. Dr. Bracks' acts of prescribing, administering, or using the medications listed in Findings of Fact 4, 7, 8, and 9 for treatments as mentioned therein is in violation of the Podiatry Practice Act, Tex. Civ. Stat. Ann., Art. 4570(16) (Vernon 1995) and section 375.2 of Title 22 of the Texas Administrative Code.

ORDER

THEREFORE, PREMISES CONSIDERED, Oscar Bracks, D.P.M. is ordered to comply with the following with the provisions for a period of five (5) years commencing on the date this order is signed by both parties:

1. Dr. Bracks shall not order, maintain or distribute Schedule II controlled substances, or any of the substances mentioned above, including samples.
2. Dr. Bracks shall not order, maintain or distribute weight loss drugs or drugs used for the purpose of weight loss, including samples.
3. Dr. Bracks shall not prescribe or authorize a weight loss treatment plan to any patient.
4. Dr. Bracks shall dispose of all Schedule II controlled substances, or any of the substances mentioned above, that he has ordered or received to which he has access. Dr. Bracks shall dispose of all Schedule II controlled substances and any of the substances mentioned above that he currently maintains in his office or at home. Dr. Bracks shall cancel all orders for Schedule II controlled substances and any of the substances mentioned above. If cancellation is impossible, immediately upon receipt he shall dispose of all Schedule II-controlled substances

and any of the substances mentioned above that are currently on order but that could not be canceled.

5. Within ten (10) calendar days from when Mr. Bracks receives notice that this order is signed by both parties, Dr. Bracks shall contact the U.S. Drug Enforcement Agency to determine how to dispose of the Schedule II controlled substances or any of the mentioned substances mentioned above to be disposed. Disposal of all Schedule II substances and the other substances mentioned above shall be in accordance with the recommendation or orders of the Drug Enforcement Agency. All Schedule II controlled substances and the substances mentioned above shall be disposed of no later than thirty (30) days after this order is signed by both parties. Upon disposal, Dr. Bracks will certify to the Board in writing that he has disposed of all Schedule II-controlled substances and the substances mentioned above, in accordance with the recommendation of the DEA, and that he no longer maintains or distributes Schedule II controlled substances or the substances mentioned above.
6. During the five (5) year period of this probation, Dr. Bracks will be subjected to random on-site monitoring of all patient records and any facility in which Dr. Bracks conducts his business, such monitoring to be conducted or scheduled by a Board member or a licensed podiatrist selected by the Board;
7. Dr. Bracks shall issue a script for all prescriptions. Dr. Bracks may write prescriptions with triplicate forms for Schedule II drugs and the drugs mentioned above; however such drugs shall not be prescribed for weight loss.
8. Dr. Bracks may maintain and distribute only on an as needed basis drugs primarily marketed as anti-inflammatory drugs, antibiotics, cortisone, or drugs primarily marketed as anesthetic drugs.
9. Dr. Bracks shall either pay a fine of \$3000.00 (three thousand dollars) within 30 days after the this order is signed by both parties or shall provide proof to the Board during that same amount of time that he has joined the Texas Podiatric Medical Association (TPMA) and the American Podiatric Medical Association (APMA), providing proof in the manner described in Item No.10, below.
10. In the event that Dr. Bracks joins the TPMA and the APMA, he shall submit within 30 days after this order is signed an affidavit stating he has joined TPMA and APMA. Enclosed with the affidavit will be a copy of a canceled check or other receipt of payment of the TPMA and APMA dues. Every year thereafter for the duration of the five (5) year period of this probation, Dr. Bracks will submit annual proof that he is a member of the TPMA and the APMA by submitting an affidavit attesting to such membership for the year immediately preceding the date of the affidavit and by submitting a copy of a canceled check or other receipt of payment of annual fees to cover each of the five years of membership.

11. During the five (5) year period of this probation, Dr. Bracks shall appear annually before the Board to discuss his compliance with the conditions of probation, beginning with the Board's summer 1996 meeting;

12. During the five (5) year period of this Order of probation, Dr. Bracks will obey and abide by all laws, both state and federal, and shall comply with the rules of the Board; and

13. Dr. Bracks agrees that a violation of this Order within the five (5) year period of probation may result in a hearing and that hearing may result in revocation of the probation and the imposition of other disciplinary action. The Board represents that there are no informal or formal complaints pending or in its files that potentially would be deemed to violate this probation as of the date of signature.

This order does not prohibit the Texas State Board of Podiatric Medical Examiners from exercising its regulatory functions. The Texas State Board of Podiatric Medical Examiners will be allowed access to the establishment of Dr. Bracks to ensure that the order is in effect.

I, Oscar Bracks, D.P.M., have read and understand the foregoing Agreed Order. I understand that by signing, I waive certain rights to a formal hearing before the State Office of Administrative Hearings and judicial review of this order. I sign it voluntarily. I understand this Agreed Order contains the entire agreement and there is no other agreement of any kind, verbal, written or otherwise.

THIS ORDER IS A PUBLIC RECORD.

Oscar Bracks, D.P.M.
Oscar Bracks, D.P.M.

03/15/96
Date

Beverly Nelson

04/16/06

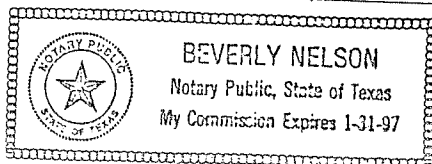
STATE OF TEXAS

COUNTY OF Dallas

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BEFORE ME, on this day personally appeared Oscar Bracks, D.P.M. known to me, who, first, being duly sworn, signed the foregoing attached Agreed Order in my presence.


SIGNED on this the 15th day of March, 1996.



Beverly Nelson
Notary Public, in and for
the State of Texas

SIGNED AND ENTERED by the Presiding Officer of the Texas State

Board of Podiatric Medical Examiners on this the 28th day of MARCH, 1996.


W. Preston Goforth, D.P.M.,
President, Texas State Board of Podiatric
Medical Examiners



TEXAS STATE BOARD OF PODIATRIC MEDICAL EXAMINERS

Thursday, November 08, 2001

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"United We Stand"

Oscar Bracks DPM
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RSA

COPY

Dear Dr. Bracks:

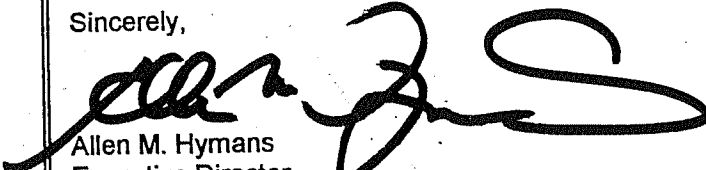
Please consider this letter formal notification that effective November 1, 2001, your license to practice podiatric medicine in Texas was cancelled per §202.301(e) Texas Occupations Code which states, "If a person's license has been expired for one year or longer, the person may not renew the license."

If after November 1, 2001, you should in any way or manner practice podiatric medicine in Texas, you would be practicing without a license and subject to all criminal penalties including a substantial fine and imprisonment in County Jail.

Official warning of your license cancellation was sent to you thirty days prior to the cancellation date, and a letter dated October 8, 2001 was also sent to you by myself, discussing this and other issues.

As you are no longer allowed to practice podiatric medicine in Texas, we will [REDACTED] license cancellation". Should you attempt to obtain a new license in this state, [REDACTED] and considered in the decision [REDACTED]. Your 1995 Board Order violation would also be reviewed and considered in making any such decision. I wish you good luck in your work in South Africa and in any podiatric medical practice outside of this state.

Sincerely,


Allen M. Hymans
Executive Director

CC: [REDACTED] & 1995 Agreed Order